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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/580,583 | 05/30/2000 | Toni Kopra | P2959US00 | 8331 |

11764 7590 10/28/2011

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| EXAMINER | |
|---|---|
| RETTA, YEHDEGA | |
| ART UNIT | PAPER NUMBER |
| 3622 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 10/28/2011 | ELECTRONIC |

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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*Ex parte* TONI KOPRA

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Appeal 2010-006079
Application 09/580,583
Technology Center 3600

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Before ANTON W. FETTING, BIBHU R. MOHANTY, and MEREDITH C. PETRAVICK, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

## STATEMENT OF THE CASE[1]

Toni Kopra (Appellant) seeks review under 35 U.S.C. § 134 (2002) of a final rejection of claims 19, 22-34, 41, 45-47, and 49-53, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The Appellant invented a technique for selectively providing product placement and advertising to mobile terminals based on the location of the terminals (Specification 1:20-22).

An understanding of the invention can be derived from a reading of exemplary claim 19, which is reproduced below [bracketed matter and some paragraphing added].

> 19. A method comprising:
> [1] displaying a video on a mobile terminal,
> wherein the video
> is received via digital broadcasting network and
> includes a product image link;
> [2] receiving input selecting the link;
> [3] sending a location of the mobile terminal
> in response to a receiving input selecting the link,
> the location determined using a mobile communication network,
> where in the mobile communication network is a different network than the digital broadcasting network;

[1] Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed July 30, 2009) and Reply Brief ("Reply Br.," filed November 20, 2009), and the Examiner's Answer ("Ans.," mailed October 27, 2009).

[4] receiving content via the mobile communication network,

the content related to the link and also related to the location of the mobile terminal;

and

[5] displaying the related content.

The Examiner relies upon the following prior art:

| | | |
|---|---|---|
| Rangan | US 6,006,265 | Dec. 21, 1999 |
| Bandera | US 6,332,127 B1 | Dec. 18, 2001 |
| Owa | US 6,711,379 B1 | Mar. 23, 2004 |
| Saha | US 6,198,935 B1 | Mar. 6, 2001 |

Claims 19, 22-24, 28, 29, 34, 41, and 50-53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rangan, Bandera, Owa, and Admitted Prior Art.

Claims 25-27 and 30-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rangan, Bandera, Owa, Saha, and Admitted Prior Art.

## ISSUES

The issues of obviousness turn on whether it was predictable to use a network to receive the content related to the link and also related to the location of the mobile terminal in limitation [4] that is different from the network to receive video via digital broadcasting in limitation [1], as required by limitation [3].

## FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

*Facts Related to Appellant's Disclosure*

01. Recent improvements in technology have allowed the widespread proliferation of higher speed Internet access, such as 56K modems, Digital Subscriber Line (DSL) and cable TV Internet connections, etc. These high speed Internet connections can support video streaming - the transmission of compressed video signals over the Internet so as to produce picture and sound comparable to that of a standard television receiver. Furthermore, high speed data services to mobile terminals are supported by advanced Third Generation (3G) Universal Mobile Telecommunications System (UMTS) or Global System for Mobile Communication/General Packet 'Radio Service (GSM/GPRS) mobile networks. Specification 4:5-17.

*Facts Related to the Prior Art*

*Rangan*

02. Rangan is directed to the machine-automated distribution, processing and network communication of streaming digital video/hypervideo, and the provision of diverse sophisticated responses--including branching, storage, playback/replay, subscriber/user-specific responses, and contests--to subscriber, user, or viewer (SUV) "click-throughs" on hyperlinks embedded within streaming digital hypervideo. Rangan 1:32-44.

03. Rangan describes hotspots, which are links within video, and the link may be attached to the image of a product, such as a car. Rangan 5:15-19.

*Owa*

04. Owa is directed to a digital broadcasting system for broadcast multimedia data consisting of picture, sound, text and the like, to a terminal device built in a mobile station, and to the terminal device. Owa 1:6-10.

05. Owa describes using both a GPS system and the internet. The GPS system is used to locate the device only. Owa 7:40-52 and 9:14-22.

## ANALYSIS

We are persuaded by the Appellant's argument that it was not predictable to use a network to receive the content related to the link and also related to the location of the mobile terminal in limitation [4] that is different from the network to receive video via digital broadcasting in limitation [1], as required by limitation [3] of claim 19. Appeal Br. 11-17. All of the independent claims have a similar requirement.

The Examiner found that Owa used two distinct networks. Ans. 4-6. We agree that Owa does so and that it was predictable to apply Owa's two distinct networks to Rangan as found by the Examiner. *Id.* See FF 04-05. The Examiner appears to not consider the requirement in limitation [4] that the content related to the link is not received by the network in which the digital broadcasting video is received, however. There does not appear to be any finding that would evidence that separation would have been predictable. Owa's second network is used only to determine the location. This is consistent with limitation [3], but is inconsistent with limitation [4]. Accordingly, we find the Examiner failed to present a prima facie case.

## CONCLUSIONS OF LAW

The rejection of claims 19, 22-24, 28, 29, 34, 41, and 50-53 under 35 U.S.C. § 103(a) as unpatentable over Rangan, Bandera, Owa, and Admitted Prior Art is improper.

The rejection of claims 25-27 and 30-33 under 35 U.S.C. § 103(a) as unpatentable over Rangan, Bandera, Owa, Saha, and Admitted Prior Art is improper.

## DECISION

The rejection of claims 19, 22-34, 41, 45-47, and 49-53 is reversed.

REVERSED

MP